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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

UNITED STATES OF AMERICA,   Case No. 3:12-CR-105-JO-1
                                             Assoc. Case No. 3:10-CR-482-JO-1
                Plaintiff,   ORDER
        v.

ARCHIE CABELLO,

                Defendant.

_____

AIKEN, Chief Judge:

        Before the court is defendant's request to recuse Judge Jones

from presiding over this case. The request is denied, as defendant

sets forth no facts to support recusal.

        The standard for recusal is "whether a reasonable person with

knowledge of all the facts would conclude that the judge's

impartiality might reasonably be questioned." United States v.

Studley, 783 F.2d 934, 939 (9th Cir. 1986) (citation omitted).

Generally, the alleged bias must derive from an "extrajudicial

source" to justify recusal. Id. ("The alleged prejudice must result

1 - ORDER

from an extrajudicial source; a judge's prior adverse ruling is not sufficient cause for recusal."); see also Liteky v. United States, 510 U.S. 540, 550-51 (1994). Here, defendant identifies no bias, extrajudicial or otherwise, on the part of Judge Jones. At most, defendant complains about his appointed counsel and disagrees with Judge Jones's rulings and decisions. However, "judicial rulings alone almost never constitute a valid basis for a bias or partiality motion. . . . Almost invariably, they are proper grounds for appeal, not for recusal." Liteky, 510 U.S. at 555. Thus, Judge Jones's judicial decisions do not establish a sufficient cause for recusal, and defendant presents no evidence of "a deep-seated favoritism or antagonism that would make fair judgment impossible." Id. In fact, Judge Jones recently allowed defendant's counsel to withdraw. Case No. 3:12-CR-105-JO (doc. 76); Case No. 3:10-CR-482-JO (doc. 164).

In sum, defendant fails to provide any legitimate grounds for recusal. Accordingly, I deny defendant's request.

<div align="center">CONCLUSION</div>

Defendant's request for recusal (doc.) is DENIED.

IT IS SO ORDERED.

Dated this 30th day of November, 2012.

_____
Ann Aiken
United States District Judge

2 - ORDER